

REMARKS

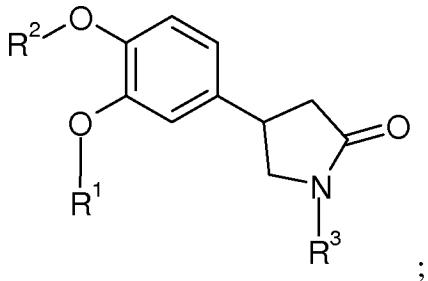
Amendments

Claims 9, 10, 12, 22, 24, and 26 are amended to depend from claim 4, rather than cancelled claim 1. Claims 22 and 27 are amended so that their preambles are consistent with the language of the preambles of the other method claims. Claim 34 is amended to correct obvious typographical errors.

Obviousness-type Double Patenting Rejection

Claims 4, 8, and 30-36 are rejected on grounds of obviousness-type double patenting rejection in view of claim 4 of application Serial No. 11/253,812. This rejection is respectfully traversed. Applicants note that this rejection is not applied against claims 9-11, 28, 29, and 46.

The Examiner asserts that claim 4 of Serial No. 11/253,812 discloses compounds of the formula:



wherein R¹ is ethyl, isopropyl, cyclopropylmethyl, or cyclobutylmethyl, R² is -CHF₂, R³ is -CHR⁷CONHR⁵, R⁵ is phenyl substituted by F, and R⁷ is H. Based on this assertion, the Examiner concludes that this alleged disclosure in Serial No. 11/253,812 renders obvious the compounds of applicants' claim 4 where R¹ is alkyl, cycloalkyl, or aryl, R² is alkyl optionally substituted by halogen, R³ is -CHR₂CONHR⁵R⁶, R⁵ is aryl, and R⁶ is H.

The Examiner's initial assertion is in error. Claim 4 of Serial No. 11/253,812 does not recite that R⁷ is H. Instead, claim 4 of Serial No. 11/253,812 defines R⁷ as substituted or unsubstituted alkyl wherein optionally one or more -CH₂CH₂- groups are replaced in each case

by -CH=CH- or -C≡C- groups, unsubstituted or substituted cycloalkyl, or unsubstituted or substituted cycloalkylalkyl.

In view of the above remarks, withdrawal of this sole ground of rejection and allowance of the instant application is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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